

भारत का राजपत्र

The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ३८]

नई विलानी, शुक्रवार, आठत २२, १९६९/श्रावण ३१, १८९१

No. 38]

NEW DELHI, FRIDAY, AUGUST 22, 1969/SRAVANA 31, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 22nd August, 1969/Sravana 31, 1891 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS PLANT
DISEASES AND PESTS REGULATION, 1969

No. 3 OF 1969

Promulgated by Shri M. Hidayatullah, discharging the functions
of the President, in the Twentieth Year of the Republic of
India.

A Regulation to provide for the prevention of the introduction into,
or spread or re-appearance in, the Union territory of the
Andaman and Nicobar Islands of plant diseases, plant pests,
plant parasites and noxious weeds, and for matters connected
therewith.

In exercise of the powers conferred by clause (1) of article 240 of the
Constitution, Shri M. Hidayatullah, discharging the functions of the Presi-
dent, is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands
Plant Diseases and Pests Regulation, 1969.

(2) It extends to the whole of the Union territory of the Andaman
and Nicobar Islands.

(3) It shall come into force on such date as the Chief Commissioner
may, by notification in the Andaman and Nicobar Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

(a) "affected area" means any area declared as such under
section 3;

Short title,
extent and
commencement.

Definitions.

(261)

(b) "Chief Commissioner" means the Chief Commissioner of the Union territory of the Andaman and Nicobar Islands;

(c) "competent authority" means the officer appointed by the Chief Commissioner to exercise the powers and perform the functions of the competent authority under this Regulation;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "plant" includes all horticultural or agricultural crops, trees, bushes, or herbs, and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;

(h) "plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism, declared as such under section 3;

(i) "plant parasite" means any plant or animal carrying on its existence, wholly or in part, on any agricultural crop, plant, tree, bush or herb and declared as such under section 3;

(j) "plant pest" means any insect or animal, whether vertebrate or invertebrate, declared as such under section 3 and includes any animal organism;

(k) "prescribed" means prescribed by rules made under this Regulation.

Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds.

3. Where it appears to the Chief Commissioner that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction into, or spread or re-appearance in, any area in the Union territory of the Andaman and Nicobar Islands (hereinafter referred to as the "territory"), the Administrator may, by notification in the Andaman and Nicobar Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also—

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

4. The Chief Commissioner may, by notification in the Andaman and Nicobar Gazette, appoint such persons as he thinks fit to be Inspecting Officers for the purposes of this Regulation and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

Appoint-
ment of
Inspecting
Officers.

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice,—

Power to
issue
directions.

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that—

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and, where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended, before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who resides at a distance of more than eight kilometres from the place where his presence is required for the purpose of rendering assistance, or who lives in an island other than the island in which such place is situated, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, village or locality shall be deemed sufficient notice to all persons residing in that area, village or locality.

6. On the issue of a notice under sub-section (1) of section 5,—

Duties of
occupier on
the issue of
notice under
section 5.

(a) it shall be the duty of every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and

(b) it shall be the duty of every male person residing within the affected area to render assistance in the manner specified in the notice.

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and

Power of
Inspecting
Officer to
enter in or
upon any
land, water
or premises

(ii) whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

Power to carry out measures.

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 11, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested).

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the cost of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent situations.

9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Chief Commissioner is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, he may, by notification in the Andaman and Nicobar Gazette,—

(a) declare that it shall be competent for any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be, infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may, by order, from time to time determine, having regard to the following, namely:—

(i) the reasonable charges incurred for labour, material or use of implements; and

(ii) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Chief Commissioner, any Inspecting Officer may, upon the issue of a notification under sub-section (1), enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1) as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or

other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

10. (1) Any occupier aggrieved by an order made under sub-section (2) of section 8 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

Appeal.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground—

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 9; or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

11. (1) If any person—

Penalties.

(a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said sub-section; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 8 or sub-section (2) of section 9,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any notification issued

under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Central Government.

**Cognizance
of offences.**

12. No magistrate shall take cognizance of an offence under this Regulation except upon a complaint made by an Inspecting Officer.

**Obligation
of village
officers to
report plant
diseases,
plant pests,
etc.**

13. All village officers, and such other officers as may be specified in the rules made under this Regulation, of the village or villages adjoining an affected area shall forthwith report the existence within the village or villages of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such inquiry as it may deem fit, make a further report to the Chief Commissioner.

**Bar of suits
or other
legal pro-
ceedings.**

14. No suit, prosecution or other legal proceedings shall lie against the Chief Commissioner, the competent authority or any other officer employed in connection with the affairs of the territory in respect of anything done or intended to be done in good faith under this Regulation or for any damage caused by any action taken in good faith in carrying out the provisions of this Regulation.

**Delegation
of powers.**

15. The Chief Commissioner may, by notification in the Andaman and Nicobar Gazette, delegate to any officer all or any of the powers conferred on him by this Regulation, except the power to make rules under section 16, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

**Power to
make rules.**

16. (1) The Chief Commissioner may, after previous publication, by notification in the Andaman and Nicobar Gazette, make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 10 shall be filed;

(c) the officers other than village officers who shall make report under section 13; and

(d) such other matters as are required to be, or may be, prescribed.

(3) Any rule made under this Regulation may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

M. HIDAYATULLAH,
discharging the functions of the President.

THE DADRA AND NAGAR HAVELI PLANT DISEASES AND PESTS REGULATION, 1969

No. 4 OF 1969

Promulgated by Shri M. Hidayatullah, discharging the functions of the President, in the Twentieth Year of the Republic of India.

A Regulation to provide for the prevention of the introduction into, or spread or re-appearance in, the Union territory of Dadra and Nagar Haveli of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, Shri M. Hidayatullah, discharging the functions of the President, is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Dadra and Nagar Haveli Plant Diseases and Pests Regulation, 1969. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli;

(b) "affected area" means any area declared as such under section 3;

(c) "competent authority" means the officer appointed by the Administrator to exercise the powers and perform the functions of the competent authority under this Regulation;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "Official Gazette" means the Gazette of the Union territory of Dadra and Nagar Haveli or until the said Gazette is published, the Gazette of India;

(h) "plant" includes all horticultural or agricultural crops, trees, bushes or herbs, and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;

(i) "plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism, declared as such under section 3;

(j) "plant parasite" means any plant or animal carrying on its existence, wholly or in part, on any agricultural crop, plant, tree, bush or herb and declared as such under section 3,

(k) "plant pest" means any insect or animal, whether vertebrate or invertebrate, declared as such under section 3 and includes any animal organism;

(l) "prescribed" means prescribed by rules made under this Regulation.

Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds.

3. Where it appears to the Administrator that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction into, or spread or re-appearance in, any area in the Union territory of Dadra and Nagar Haveli (hereinafter referred to as the 'territory'), the Administrator may, by notification in the Official Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also—

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

Appointment of Inspecting Officers.

4. The Administrator may, by notification in the Official Gazette, appoint such persons as he thinks fit to be Inspecting Officers for the purposes of this Regulation and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

Power to issue directions.

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice,—

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as may

be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that—

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and, where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended, before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who resides at a distance of more than eight kilometres from the place where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, village or locality shall be deemed sufficient notice to all persons residing in that area, village or locality.

6. On the issue of a notice under sub-section (1) of section 5.—

(a) it shall be the duty of every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and

(b) it shall be the duty of every male person residing within the affected area to render assistance in the manner specified in the notice.

Duties of
occupier
on the
issue of
notice
under
section 5

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and

(ii) whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

Power of
Inspecting
Officer to
enter in
or upon
any land,
water or
premises

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 12, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested with pests).

Power to
carry out
measures.

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the cost of any preventive or remedial measures carried out under sub-section (7) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent situations.

9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Administrator is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, he may, by notification in the Official Gazette,—

(a) declare that it shall be competent for any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be, infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may by order from time to time determine, having regard to the following, namely :—

(i) the reasonable charges incurred for labour, material or use of implements; and

(ii) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Administrator, any Inspecting Officer may, upon the issue of a notification under sub-section (1), enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

Appeal.

10. (1) Any occupier aggrieved by an order made under sub-section (2) of section 8 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground

that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground—

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 9, or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

11. (1) Where any affected area, in respect of which locusts have been declared to be a plant pest under section 3, is infested or is in danger of being infested by locusts, the competent authority may, by order in writing, requisition such vehicle as it considers necessary for the purpose of facilitating preventive or remedial measures or other steps against locusts and make such further orders as may appear to him to be necessary or expedient in connection with the requisition.

Power to
requisition
vehicles in
case of
locust
menace.

(2) Every order made under sub-section (1) shall be served on such persons and in such manner as may be prescribed.

(3) Any vehicle requisitioned under this section may be used or dealt with in such manner as may appear to the officer requisitioning the vehicle to be necessary or expedient.

(4) If the owner of the vehicle in respect of which an order of requisition has been made, does not place the vehicle at the disposal of the officer or authority mentioned therein, such officer or authority may, without prejudice to any other action that may be taken under this Regulation or the rules made thereunder, seize the vehicle from any person who for the time being may be in possession thereof.

(5) No person shall remove or allow to be removed any part of a vehicle (including tyre, tube or any other accessory) in respect of which an order of requisition has been made, or in any way damage the vehicle or permit it to be damaged so as to reduce its value or utility.

(6) When any vehicle is requisitioned under this section, there shall be paid to the owner thereof such compensation as may be agreed upon between him and the officer requisitioning the vehicle, and in the absence of any such agreement, such compensation as the competent

authority may determine in the prescribed manner, having due regard to the type and condition of the vehicle at the time of requisition and the loss caused to the owner:

Provided that where immediately before the requisitioning, the vehicle was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, or in default of agreement, in such manner as the competent authority may decide.

(7) The order determining the compensation and in a case where the compensation is to be apportioned under the proviso to sub-section (6), the order apportioning such compensation shall be served in the prescribed manner and the amount of compensation shall be paid within the prescribed time.

(8) Any person aggrieved by an order determining or apportioning compensation under sub-section (6) may appeal against that order to such authority and within such time as may be prescribed.

(9) The officer requisitioning any vehicle may at any time and shall, not later than the expiry of a period of two weeks from the date on which infestation or danger of infestation by locusts is over, release the vehicle from requisition and when he decides to do so, he shall serve a notice in writing on the owner thereof in the prescribed manner requiring the owner to take delivery of the vehicle on or before such date and from such place and person as may be specified therein.

(10) When a notice under sub-section (9) is served, with effect from the date specified in such notice, no further liability for compensation or payment of any other kind shall accrue for requisitioning the vehicle:

Provided that the officer requisitioning the vehicle may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisitioning as may be assessed by the competent authority.

(11) The delivery of possession of the vehicle to the owner thereof or his accredited agent shall be a full discharge of any liability of the Central Government to deliver possession to such person as may have rightful claim to possession thereof, but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered.

(12) If the owner fails to take delivery of the vehicle on or before the specified date, the officer who passed the order of release of the vehicle may dispose of the same thereafter in the manner provided in sub-section (13):

Provided that such officer shall be competent to allow the owner such extension of time as he deems proper without any liability for any compensation or other payment for the period of extension.

(13) The disposal of a vehicle under sub-section (12) shall be by public auction and at the risk of the owner and the sale-proceeds thereof shall be made over to the owner after deducting any expenditure incurred by the officer releasing the vehicle from requisition on account of the failure of the owner to take delivery of it on or before the specified date.

Explanation.—In this section, “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

12. (1) If any person—

Penalties.

- (a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or
- (b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said sub-section; or
- (c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or
- (d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 3 or sub-section (2) of section 9; or
- (e) fails to place a vehicle in respect of which an order of requisition has been made under sub-section (1) of section 11, at the disposal of the officer or authority mentioned in such order.

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any notification issued under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Central Government.

13. No magistrate shall take cognizance of an offence under this Regulation except upon a complaint made by an Inspecting Officer.

Cognizance of offences.

14. All village officers, and such other officers, as may be specified in the rules made under this Regulation, of the village or villages adjoining an affected area shall forthwith report the existence within the village or villages of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such inquiry as it may deem fit, make a further report to the Administrator.

Obligation of village officers to report plant diseases, plant pests, etc.

15. No suit, prosecution or other legal proceedings shall lie against the Administrator, the competent authority or any other officer employed in

Bar of suits of other legal proceedings

connection with the affairs of the territory in respect of anything done or intended to be done in good faith under this Regulation, or for any damage caused by any action taken in good faith in carrying out the provisions of this Regulation.

Delegation of powers.

16. The Administrator may, by notification in the Official Gazette, delegate to any officer all or any of the powers conferred on him by this Regulation, except the power to make rules under section 17, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

Power to make rules.

17. (1) The Administrator may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 10 shall be filed;

(c) the persons upon whom and the manner in which the order of requisition is to be served under sub-section (2) of section 11;

(d) the manner of determining compensation under sub-section (6) of section 11;

(e) the manner of service of the order of compensation and the time within which compensation is to be paid under sub-section (7) of section 11;

(f) the authority to which and the time within which an appeal may be preferred under sub-section (8) of section 11;

(g) the manner of service of the notice under sub-section (9) of section 11;

(h) the officers other than village officers who shall make report under section 14; and

(i) such other matters as are required to be, or may be, prescribed.

(3) Any rule made under this Regulation may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

M. HIDAYATULLAH,
discharging the functions of the President.

**THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS
PLANT DISEASES AND PESTS REGULATION, 1969**

No. 5 OF 1969

Promulgated by Shri M. Hidayatullah, discharging the functions of the President, in the Twentieth Year of the Republic of India.

A Regulation to provide for the prevention of the introduction into, or spread or re-appearance in, the Union territory of the Laccadive, Minicoy and Amindivi Islands, of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, Shri M. Hidayatullah, discharging the functions of the President, is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands Plant Diseases and Pests Regulation, 1969.

Short title,
extent and
commencement.

(2) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

(3) It shall come into force on such date as the Administrator may, by notification in the Laccadives Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

(a) "Administrator" means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands;

(b) "affected area" means any area declared as such under section 3;

(c) "competent authority" means the officer appointed by the Administrator to exercise the powers and perform the functions of the competent authority under this Regulation;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "plant" includes all horticultural or agricultural crops, trees, bushes or herbs, and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;

(h) "plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism, declared as such under section 3;

(i) "plant parasite" means any plant or animal carrying on its existence, wholly or in part, on any agricultural crop, plant, tree, bush or herb and declared as such under section 3;

(j) "plant pest" means any insect or animal, whether vertebrate or invertebrate, declared as such under section 3 and includes any animal organism;

(k) "prescribed" means prescribed by rules made under this Regulation.

Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds.

3. Where it appears to the Administrator that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction into, or spread or re-appearance in, any area in the Union territory of the Laccadive, Minicoy and Amindivi Islands (hereinafter referred to as the "territory"), the Administrator may, by notification in the Laccadives Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also—

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

Appointment of Inspecting Officers.

4. The Administrator may, by notification in the Laccadives Gazette, appoint such persons as he thinks fit to be Inspecting Officers for the purposes of this Regulation and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

Power to issue directions.

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice,—

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as

may be specified in the notice, in carrying out the measures referred to in clause (a) :

Provided that—

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and, where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended, before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who resides in an island other than the island where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, island or islet shall be deemed sufficient notice to all persons residing in that area, island or islet.

6. On the issue of a notice under sub-section (1) of section 5,—

(a) it shall be the duty of every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and

(b) it shall be the duty of every male person residing within the affected area to render assistance in the manner specified in the notice.

Duties of
occupier on
the issue of
notice under
section 5.

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and

(ii) whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

Power of
Inspecting
Officer to
enter in or
upon any
land, water
or premises

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 11, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested).

Power to
carry out
measures.

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the cost of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent situations.

9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Administrator is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, he may, by notification in the Laccadives Gazette,—

(a) declare that it shall be competent for any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be, infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may, by order from time to time determine, having regard to the following, namely:—

(i) the reasonable charges incurred for labour, material or use of implements; and

(ii) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Administrator, any Inspecting Officer may, upon the issue of a notification under sub-section (1), enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

10. (1) Any occupier aggrieved by an order made under sub-section (1) of section 8 may, within sixty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within sixty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground—

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 9; or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

11. (1) If any person—

Penalties.

(a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said sub-section; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 8 or sub-section (2) of section 9,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any notification issued under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Central Government.

Cognizance
of offences.

12. No magistrate shall take cognizance of an offence under this Regulation except upon a complaint made by an Inspecting Officer.

Obligation
of amins,
karanis,
etc. to
report plant
diseases,
plant pests,
etc.

13. All amins, karanis and such other officers as may be specified in the rules made under this Regulation, of the islands or islets adjoining an affected area shall forthwith report the existence within the islands or islets of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such inquiry as it may deem fit, make a further report to the Administrator.

Bar of suits
or other
legal pro-
ceedings.

14. No suit, prosecution or other legal proceedings shall lie against the Administrator, the competent authority or any other officer employed in connection with the affairs of the territory in respect of anything done or intended to be done in good faith under this Regulation, or for any damage caused by any action taken in good faith in carrying out the provisions of this Regulation.

Delegation
of powers.

15. The Administrator may, by notification in the Laccadives Gazette, delegate to any officer all or any of the powers conferred on him by this Regulation, except the power to make rules under section 16, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

Power to
make rules.

16. (1) The Administrator may, after previous publication, by notification in the Laccadives Gazette, make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 10 shall be filed;

(c) the officers other than amins or karanis who shall make report under section 13; and

(d) such other matters as are required to be, or may be, prescribed.

(3) Any rule made under this Regulation may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees

17. In section 8 of the Laccadive Islands and Minicoy Regulation, 1912, Amendment of section 8 of Regulation I of 1912.
in sub-section (1),—

- (i) clause (b) shall be omitted;
- (ii) the proviso shall be omitted.

M. HIDAYATULLAH,
discharging the functions of the President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

ERRATA

In the Gazette of India, Extraordinary, Part II, Section 1, dated March 31, 1967.—

1. In the Appropriation Act, 1967 (1 of 1967), at page 67, against vote No. 141, in column 2, for "of" read "on";
2. In the Appropriation (Vote on Account) Act, 1967 (2 of 1967), at page 70, against vote No. 50, in column 3, under "Total", for "1, 9,82,000" read "1,39,82,000";
3. In the Rajasthan Appropriation Act, 1967 (7 of 1967), at page 87, in line 1 of the Long title, for "authorised" read "authorise"; and
4. In the Rajasthan Appropriation (Vote on Account) Act, 1967 (8 of 1967), at page 94, against vote No. XXXV, in column 3, under "Total", for "22,90,000" read "22,92,000".

In the Passports Act, 1967 (15 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated June 26, 1967, at page 131, in line 3 of the Long title, for "persons" read "persons and".

In the Companies Tribunal (Abolition) Act, 1967 (17 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated June 29, 1967, at page 150, in the last line, for "agents" read "agent".

In the Appropriation (No. 2) Act, 1967 (19 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated July 29, 1967, at page 157, in the Short title, for "AT, 1967" read "ACT, 1967".

In the Finance (No. 2) Act, 1967 (20 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated August 5, 1967,—

Page 197—

In the marginal heading to section 7A, for "Power of Commissioner" read "Power of Commissioner respecting specified areas, cases or persons.";

Page 222—

In “Paragraph C”, in item (4), column 1, for “excess” read “exceeds”.

Page 223—

In line 3, for “surcharge” read “surcharges”.

In the Appropriation (Railways) No. 3 Act, 1967 (23 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated August 17, 1967,—

Page 265—

- (i) In line 2 of the Long title, for “amount” read “amounts”; and
- (ii) In the marginal heading against section 1, read “Short title.”.

Page 266—

In the Schedule, in column 3, under “Total”, for “4,13,68,943” read “4,13,68,948”.

In the Gazette of India, Extraordinary, Part II, Section 1, dated December 26, 1967,—

1. In the Appropriation (No. 3) Act, 1967 (32 of 1967), at page 353, in line 2 of Long title, for “Fund” read “Fund of”; and
2. In the Appropriation (No. 4) Act, 1967 (33 of 1967), at page 358, against vote No. 122, in column 2, for “apitalC” read “Capital”.

In the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated December 30, 1967, at page 422, in the marginal heading to section 8, for “places” read “places used”.